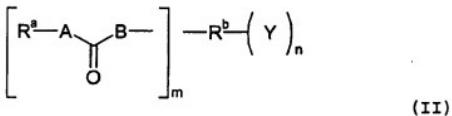


IN THE CLAIMS:

This listing of claims will replace all prior versions, and listings, of claims in the application.

1. (original) A paint or coating composition comprising
 - (i) menthol and / or isopulegol,
 - (ii) a compound of formula (II)



wherein

R^a denotes C_4-C_{20} -alkyl, C_5-C_{20} -cycloalkyl or -heterocycloalkyl or C_5-C_{20} -alkoxy, C_6-C_{12} -aryl, C_5-C_{10} -heteroaryl or C_7-C_{11} -aralkyl;

R^b denotes an $m + w$ - n -valent aliphatic C_1-C_8 radical, a cycloaliphatic or heterocycloaliphatic C_3-C_{15} radical, an araliphatic C_7-C_{20} radical, an alkoxy- or acyloxy-containing aliphatic C_3-C_{15} radical;

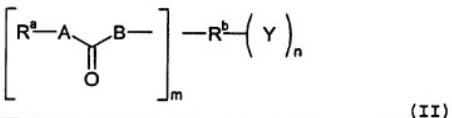
A and B independently of one another denote $-O-$, $-S-$ or $-NH-$; Y denotes hydroxy, C_1-C_{10} -alkoxy, C_2-C_6 -acyloxy, amino, mercapto or $-O-Z-O-$;

Z denotes C₁-C₆-alkylene;
w denotes the valency of the radical Y and
m and n independently of one another denote integers from 1
to 8, with the proviso that the sum of m + n is not more than
12, and
(iii) a film forming agent.

2. (original) A composition according to claim 1, wherein said compound of formula (II) is present in an amount from about 0.01 to about 50 percent by weight of said composition.
3. (currently amended) A composition according to claim 1 ~~ex-2~~, wherein the compound of formula (II) is selected from are menthol glycol carbonate (IIa), menthol propyleneglycol carbonate (IIb) and menthol glycerin carbonate (IIc).
4. (currently amended) A composition according to claim 1 any preceding claim, comprising menthol, isopulegol and menthol propyleneglycol carbonate.
5. (currently amended) A composition according to claim 1, wherein said composition is a paint comprising a composition according to any preceding claim.
6. (original) A paint according to claim 5, which is formulated as a marine paint.

7. (currently amended) A method use of a composition according to any of claims 1-4 or a paint according to claim 5 or 6 for protecting a surface exposed to an aqueous environment from fouling organisms present in said aqueous environment, said method comprising applying to said surface a composition comprising

(i) a compound of formula (II)



wherein

R^a denotes C₁-C₂₀-alkyl, C₅-C₂₀-cycloalkyl or -heterocycloalkyl or C₅-C₂₀-alkoxy, C₆-C₁₂-aryl, C₅-C₁₀-heteroaryl or C₇-C₁₁-aralkyl;

R^b denotes an m + w n-valent aliphatic C₁-C₈ radical, a cycloaliphatic or heterocycloaliphatic C₃-C₁₅ radical, an araliphatic C₇-C₂₀ radical, an alkoxy- or acyloxy-containing aliphatic C₃-C₁₅ radical;

A and B independently of one another denote -O-, -S- or -NH-;

Y denotes hydroxy, C₁-C₁₀-alkoxy, C₂-C₆-acyloxy, amino, mercapto or -O-Z-O-;

Z denotes C₁-C₆-alkylene;

w denotes the valency of the radical Y and

m and n independently of one another denote integers from 1 to 8, with the proviso that the sum of m + n is not more than 12, and

(iii) a film forming agent.

8. (currently amended) A method as in claim 7, wherein said composition further comprises for protecting a surface exposed to an aqueous environment from fouling organisms present in said aqueous environment, which comprises applying to said surface a coating including at least one of menthol and /or isopulegol and at least one compound of formula (II) as defined in claim 1.
9. (original) A method according to claim 8, wherein said coating composition is applied to said surface by brushing, spraying or dipping.
10. (currently amended) An article having an underwater surface, at least a portion of said surface being coated with a composition according to claim 1 any of claims 1-4 or a paint according to claim 5 or 6.
11. (currently amended) An article according to claim 10, wherein said article is in the form of a ship hull or fishing net.
12. (canceled).

13. (canceled).

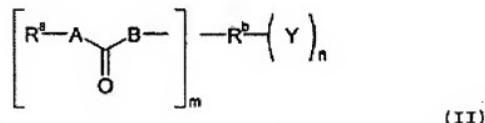
14. (canceled).

15. (canceled).

16. (currently amended) A method as in claim 7, Use according to any of claims 12-15, wherein the compound of formula (II) as defined in claim 1 is selected from the group consisting of menthol glycol carbonate (IIa), menthol propyleneglycol carbonate (IIb), menthol glycerin carbonate (IIc), and mixtures thereof.

17. (currently amended) A marine Marine paint composition comprising

a) one or more compounds of formula (II)



wherein

R^a denotes C₄-C₂₀-alkyl, C₅-C₂₀-cycloalkyl or -heterocycloalkyl or C₅-C₂₀-alkoxy, C₆-C₁₂-aryl, C₅-C₁₀-heteroaryl or C₇-C₁₁-aralkyl;

R^b denotes an m + w + n-valent aliphatic C₁-C₈ radical, a

cycloaliphatic or heterocycloaliphatic C₃-C₁₅ radical, an araliphatic C₇-C₂₀ radical, an alkoxy- or acyloxy-containing aliphatic C₃-C₁₅ radical;
A and B independently of one another denote -O-, -S- or -NH-;
Y denotes hydroxy, C₁-C₁₀-alkoxy, C₂-C₆-acyloxy, amino,
mercapto or -O-Z-O-;
Z denotes C₁-C₆-alkylene;
w denotes the valency of the radical Y and
m and n independently of one another denote integers from 1
to 8, with the proviso that the sum of m + n is not more than
12, and

(iii) a film forming agent

~~as defined in claim 1,~~

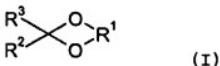
- b) a film forming agent,
- c) optionally, one or more typical additives, and
- d) optionally, menthol and / or isopulegol,
wherein the total amount of components a) and, if present, d) is effective for inhibiting or preventing fouling organisms, when the marine paint is applied to a substrate and the substrate is thereafter exposed to sea water.

18. (original) A paint or coating composition comprising

- (i) menthol and / or isopulegol

and

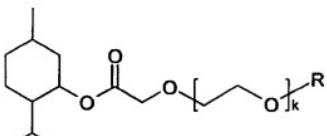
- (ii) a compound selected from the group consisting of
- a) methyl esters of a natural occurring hydroxycarboxylic acid having 2 to 6 carbon atoms, which are in turn optionally esterified by C₁-C₄ carboxylic acids on the hydroxy group;
 - b) compounds of formula (I):



wherein

R¹ represents a C₂-C₆-alkylene radical having at least 1, but not more than 3, hydroxy group(s) and either R² and R³ independently of one another represent C₁-C₁₀-alkyl which is optionally substituted by 1 to 3 radicals from the group comprising hydroxy, amino and halogen, or C₅-C₇-cycloalkyl, or C₆-C₁₂-aryl, with the proviso that the total amount of the carbon atoms of R² and R³ is not less than 3, or R² and R³ together represent an alkylene radical which, together with the carbon atom which carries the radicals R² and R³, forms a 5-7-membered ring, it being possible for this alkylene radical, for its part, to be substituted by C₁-C₆-alkyl groups;

- d) compounds of formula (III):

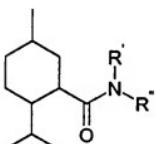


(III)

wherein

R = H and k is a whole number from 1 to 4, or R = CH₃ and k is a whole number from 0 to 4;

e) compounds of formula (IV):



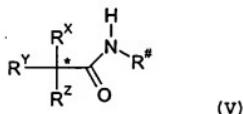
(IV)

wherein

R' is H or an alkyl, cycloalkyl, alkenyl, cycloalkenyl, hydroxyalkyl, alkynyl, acyloxyalkyl, alkoxyalkyl, aminoalkyl, acylaminoalkyl, carboxyalkyl radical or an alkylcarboxyalkyl radical of the formula -C_pH_{2p}COOR'''', wherein -C_pH_{2p} is a straight or branched chain alkylene group in which p is an integer from 1 to 6 and R''' is C₁-C₈-alkyl, each of said radicals containing up to 25 carbon atoms, and

R'' is hydroxy or an alkyl, cycloalkyl, alkenyl, cycloalkenyl, hydroxyalkyl, alkynyl, acyloxyalkyl, alkoxyalkyl, aminoalkyl, acylaminoalkyl, carboxyalkyl radical or an alkylcarboxyalkyl radical of the formula -C_pH_{2p}COOR'', wherein -C_pH_{2p} is a straight or branched chain alkylene group in which p is an integer from 1 to 6 and R'' is C₁-C₈-alkyl, each of said radicals containing up to 25 carbon atoms; with the proviso that when R' is hydrogen R'' may also be an aryl radical of up to 10 carbon atoms selected from benzyl and substituted phenyl wherein the substituents are selected from C₁-C₄ alkyl, hydroxy and C₁-C₄-alkoxy, nitro and halogen;

f) compounds of formula (V):



wherein

R# is C₁-C₅-alkyl, C₁-C₈-hydroxyalkyl or alkylcarboxyalkyl with up to 6 carbon atoms,

R^X is hydrogen or C₁-C₅-alkyl; and

R^X and R^Z independently are C₁-C₅-alkyl,

with the provisos that

R^X, R^Y and R^Z together provide a total of at least 5 carbon atoms, preferably 5-10 carbon atoms, and

when R^X is hydrogen, R^Y is C₂-C₅-alkyl and R^Z is C₃-C₅-alkyl and at least one of R^Y and R^Z is branched, preferably in alpha or beta position relative to the carbon atom marked (*) in the formula (V);

and

(iii) a film forming agent.

19. (original) A composition according to claim 18, wherein said compounds are present in an amount from about 0.01 to about 50 percent by weight of said composition.
20. (original) A composition according to claim 18, wherein the compound selected from (ii) a), above, is 1-menthyllactate.
21. (original) A composition according to claim 18, wherein the compound selected from (ii) b), above, is menthone glycerin acetal.
22. (original) A composition according to claim 18, wherein the compound selected from (ii) e), above, is N-ethyl-p-menthane-3-carboxamide.
23. (original) A composition according to claim 18, wherein the compound selected from (ii) f), above, is 2-isopropyl-N-2,3-trimethylbutanamide.
24. (currently amended) A paint comprising the composition of as

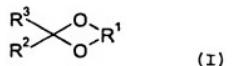
in claim 18, wherein said composition is a paint any of claims 18-23.

25. (currently amended) A composition paint according to claim 24, which is formulated as a marine paint.

26. (canceled).

27. (currently amended) A method for protecting a surface exposed to an aqueous environment from fouling organisms present in said aqueous environment, which comprises applying to said surface a coating including menthol and/or isopulegol and at least one compound listed under ~~ii~~ a) to f) ~~in claim 18~~
a) menthyl esters of a natural occurring hydroxycarboxylic acid having 2 to 6 carbon atoms, which are in turn optionally esterified by C₁-C₄ carboxylic acids on the hydroxy group;

b) compounds of formula (I):



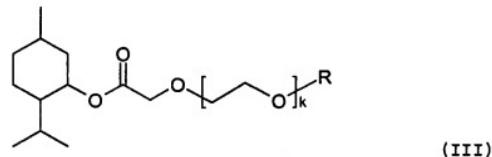
wherein

R¹ represents a C₂-C₆-alkylene radical having at least 1, but not more than 3, hydroxy group(s) and either R² and R³ independently of one another represent C₁-C₁₀-alkyl which is optionally substituted by 1 to 3 radicals

from the group comprising hydroxy, amino and halogen, or C₅-C₇-cycloalkyl, or C₆-C₁₂-aryl, with the proviso that the total amount of the carbon atoms of R² and R³ is not less than 3,
or

R² and R³ together represent an alkylene radical which, together with the carbon atom which carries the radicals R² and R³, forms a 5-7-membered ring, it being possible for this alkylene radical, for its part, to be substituted by C₁-C₆-alkyl groups;

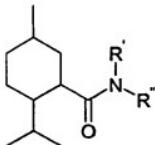
d) compounds of formula (III):



wherein

R = H and k is a whole number from 1 to 4, or R = CH₃ and k is a whole number from 0 to 4;

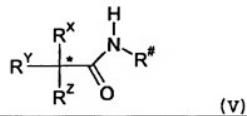
e) compounds of formula (IV):



wherein

R' is H or an alkyl, cycloalkyl, alkenyl, cycloalkenyl, hydroxyalkyl, alkynyl, acyloxyalkyl, alkoxyalkyl, aminoalkyl, acylaminoalkyl, carboxyalkyl radical or an alkylcarboxyalkyl radical of the formula $-C_pH_{2p}COOR'''$, wherein $-C_pH_{2p}$ is a straight or branched chain alkylene group in which p is an integer from 1 to 6 and R''' is C₁-C₈-alkyl, each of said radicals containing up to 25 carbon atoms, and
R'' is hydroxy or an alkyl, cycloalkyl, alkenyl, cycloalkenyl, hydroxyalkyl, alkynyl, acyloxyalkyl, alkoxyalkyl, aminoalkyl, acylaminoalkyl, carboxyalkyl radical or an alkylcarboxyalkyl radical of the formula $-C_pH_{2p}COOR'''$, wherein $-C_pH_{2p}$ is a straight or branched chain alkylene group in which p is an integer from 1 to 6 and R''' is C₁-C₈-alkyl, each of said radicals containing up to 25 carbon atoms; with the proviso that when R' is hydrogen R'' may also be an aryl radical of up to 10 carbon atoms selected from benzyl and substituted phenyl wherein the substituents are selected from C₁-C₄ alkyl, hydroxy and C₁-C₄-alkoxy, nitro and halogen;

f) compounds of formula (V):



wherein

R[#] is C₁-C₅-alkyl, C₁-C₈-hydroxyalkyl or alkylcarboxyalkyl with up to 6 carbon atoms,

R^X is hydrogen or C₁-C₅-alkyl; and

R^Y and R^Z independently are C₁-C₅-alkyl,

with the provisos that

R^X, R^Y and R^Z together provide a total of at least 5 carbon atoms, preferably 5-10 carbon atoms, and

when R^X is hydrogen, R^Y is C₂-C₅-alkyl and R^Z is C₃-C₅-alkyl and at least one of R^Y and R^Z is branched, preferably in alpha or beta position relative to the carbon atom marked (*) in the formula (V).

28. (original) A method according to claim 27, wherein said coating composition is applied to said surface by brushing, spraying or dipping.

29. (canceled).

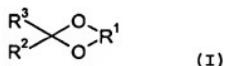
30. (canceled).

31. (canceled).

32. (currently amended) A method use of a compound selected from the group consisting of any of the compounds listed under ii), a) to f) in claim 18, and mixtures thereof, for protecting a surface exposed to an aqueous environment from fouling organisms present in said aqueous environment, comprising applying to said surface a composition comprising:

a) methyl esters of a natural occurring hydroxycarboxylic acid having 2 to 6 carbon atoms, which are in turn optionally esterified by C₁-C₄ carboxylic acids on the hydroxy group;

b) compounds of formula (I):



wherein

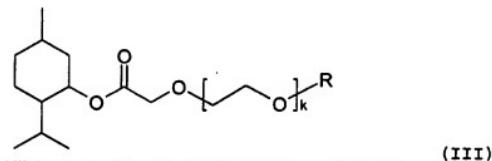
R¹ represents a C₂-C₆-alkylene radical having at least 1, but not more than 3, hydroxy group(s) and either R² and R³ independently of one another represent C₁-C₁₀-alkyl which is optionally substituted by 1 to 3 radicals from the group comprising hydroxy, amino and halogen, or C₅-C₇-cycloalkyl, or C₆-C₁₂-aryl, with the proviso that the total amount of the carbon atoms of R² and R³ is not less than 3, or

U.S. Application No.: NEW
PRELIMINARY AMENDMENT

Attorney Docket: 3968.161

R² and R³ together represent an alkylene radical which, together with the carbon atom which carries the radicals R² and R³, forms a 5-7-membered ring, it being possible for this alkylene radical, for its part, to be substituted by C₁-C₆-alkyl groups;

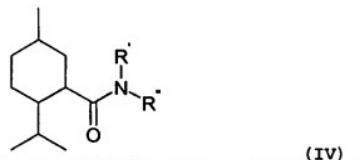
d) compounds of formula (III):



wherein

R = H and k is a whole number from 1 to 4, or R = CH₃ and k is a whole number from 0 to 4;

e) compounds of formula (IV):

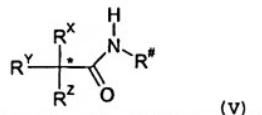


wherein

R' is H or an alkyl, cycloalkyl, alkenyl, cycloalkenyl, hydroxyalkyl, alkynyl, acyloxyalkyl, alkoxyalkyl, aminoalkyl, acylaminoalkyl, carboxyalkyl radical or an alkylcarboxyalkyl radical of the formula $-C_pH_{2p}COOR'''$, wherein $-C_pH_{2p}$ is a straight or branched chain alkylene group in which p is an integer from 1 to 6 and R''' is C_1-C_8 -alkyl, each of said radicals containing up to 25 carbon atoms, and

R'' is hydroxy or an alkyl, cycloalkyl, alkenyl, cycloalkenyl, hydroxyalkyl, alkynyl, acyloxyalkyl, alkoxyalkyl, aminoalkyl, acylaminoalkyl, carboxyalkyl radical or an alkylcarboxyalkyl radical of the formula $-C_pH_{2p}COOR'''$, wherein $-C_pH_{2p}$ is a straight or branched chain alkylene group in which p is an integer from 1 to 6 and R''' is C_1-C_8 -alkyl, each of said radicals containing up to 25 carbon atoms; with the proviso that when R' is hydrogen R'' may also be an aryl radical of up to 10 carbon atoms selected from benzyl and substituted phenyl wherein the substituents are selected from C_1-C_4 alkyl, hydroxy and C_1-C_4 -alkoxy, nitro and halogen;

f) compounds of formula (V):



wherein

R[#] is C₁-C₅-alkyl, C₁-C₈-hydroxyalkyl or alkylcarboxyalkyl with up to 6 carbon atoms,

R^x is hydrogen or C₁-C₅-alkyl; and

R^y and R^z independently are C₁-C₅-alkyl,

with the provisos that

R^x, R^y and R^z together provide a total of at least 5 carbon atoms, preferably 5-10 carbon atoms, and

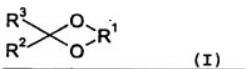
when R^x is hydrogen, R^y is C₂-C₅-alkyl and R^z is C₃-C₅-alkyl and at least one of R^y and R^z is branched, preferably in alpha or beta position relative to the carbon atom marked (*) in the formula (V).

33. (currently amended) A method as in claim 32, wherein said composition is use of a compound selected from the group consisting of any of the compounds listed under ii) a) to f) in claim 18, and mixtures thereof, for producing a marine paint composition for protecting a surface exposed to an aqueous environment from fouling organisms present in said aqueous environment.

34. (currently amended) A method as in claim 32, wherein said composition further comprises use of a compound selected from the group consisting of any of the compounds listed under ii)
a) to f) in claim 18, and mixtures thereof, for synergistically enhancing the antifouling effect of (a) menthol, (b) isopulegol or (c) a mixture of menthol and isopulegol.
35. (currently amended) A method as in claim 32 use according to any of claims 31-34, wherein the composition comprises a compound [[is]] selected from the group consisting of 1-menthyl lactate, menthone glycerin acetal, N-ethyl-p-menthane-3-carboxamide, 2-isopropyl-N-2,3-trimethylbutanamide, menthyl methoxyacetate, menthyl 3,6-dioxaheptanoate, and mixtures thereof.
36. (currently amended) A marine Marine paint composition comprising
a. one or more compounds selected from the group consisting of the compounds listed under ii) a) to f)

a) menthyl esters of a natural occurring hydroxycarboxylic acid having 2 to 6 carbon atoms, which are in turn optionally esterified by C₁-C₄ carboxylic acids on the hydroxy group;

b) compounds of formula (I):

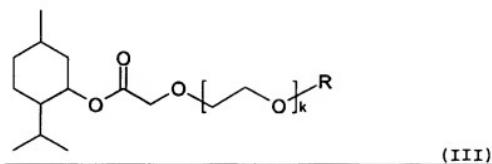


wherein

R¹ represents a C₂-C₆-alkylene radical having at least 1, but not more than 3, hydroxy group(s) and either R² and R³ independently of one another represent C₁-C₁₀-alkyl which is optionally substituted by 1 to 3 radicals from the group comprising hydroxy, amino and halogen, or C₅-C₇-cycloalkyl, or C₆-C₁₂-aryl, with the proviso that the total amount of the carbon atoms of R² and R³ is not less than 3,
or

R² and R³ together represent an alkylene radical which, together with the carbon atom which carries the radicals R² and R³, forms a 5-7-membered ring, it being possible for this alkylene radical, for its part, to be substituted by C₁-C₆-alkyl groups;

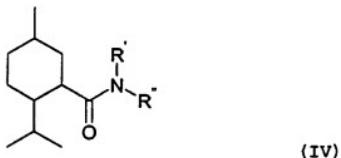
d) compounds of formula (III):



wherein

R = H and k is a whole number from 1 to 4, or R = CH₃ and k is a whole number from 0 to 4;

e) compounds of formula (IV):

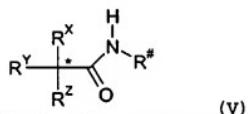


wherein

R' is H or an alkyl, cycloalkyl, alkenyl, cycloalkenyl, hydroxyalkyl, alkynyl, acyloxyalkyl, alkoxyalkyl, aminoalkyl, acylaminoalkyl, carboxyalkyl radical or an alkylcarboxyalkyl radical of the formula -C_pH_{2p}COR'''', wherein -C_pH_{2p} is a straight or branched chain alkylene group in which p is an integer from 1 to 6 and R''' is C₁-C₈-alkyl, each of said radicals containing up to 25 carbon atoms, and

R'' is hydroxy or an alkyl, cycloalkyl, alkenyl, cycloalkenyl, hydroxyalkyl, alkynyl, acyloxyalkyl, alkoxyalkyl, aminoalkyl, acylaminoalkyl, carboxyalkyl radical or an alkylcarboxyalkyl radical of the formula -C_pH_{2p}COOR''', wherein -C_pH_{2p} is a straight or branched chain alkylene group in which p is an integer from 1 to 6 and R''' is C₁-C₅-alkyl, each of said radicals containing up to 25 carbon atoms; with the proviso that when R' is hydrogen R'' may also be an aryl radical of up to 10 carbon atoms selected from benzyl and substituted phenyl wherein the substituents are selected from C₁-C₄ alkyl, hydroxy and C₁-C₄-alkoxy, nitro and halogen;

f) compounds of formula (V):



wherein

R# is C₁-C₅-alkyl, C₁-C₅-hydroxyalkyl or alkylcarboxyalkyl with up to 6 carbon atoms,

R^x is hydrogen or C₁-C₅-alkyl; and

R^y and R^z independently are C₁-C₅-alkyl,

with the provisos that

R^x, R^y and R^z together provide a total of at least 5 carbon atoms, preferably 5-10 carbon atoms, and

when R^x is hydrogen, R^y is C₂-C₅-alkyl and R^z is C₃-C₅-alkyl and at least one of R^y and R^z is branched, preferably in

U.S. Application No.: NEW
PRELIMINARY AMENDMENT

Attorney Docket: 3968.161

alpha or beta position relative to the carbon atom marked (*)
in the formula (V) in claim 18,

- b. a film forming agent,
- c. optionally, one or more typical additives, and
- d. optionally, menthol and / or isopulegol,
wherein the total amount of components a) and, if present, d) is effective for inhibiting or preventing fouling organisms, when the marine paint is applied to a substrate and the substrate is thereafter exposed to sea water.